

South Dakota Public Utilities Commission Meeting  
Tuesday, March 13, 2007, at 2:30 P.M.  
State Capitol Building, Room 468  
Pierre, South Dakota

**NOTE:** *If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 12:00 p.m. on March 13, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.*

**NOTE:** *To listen to the Commission Meeting live please go to the PUC's website [www.puc.sd.gov](http://www.puc.sd.gov) and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.*

**NOTE:** *Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.*

# AGENDA OF COMMISSION MEETING

## Administration

1. Approval of the Minutes of the Commission Meetings Held on January 2 and January 23, 2007, and Ad Hoc Meetings Held January 16 and February 1, 2007. (Staff: Demaris Axthelm)

## Consumer Reports

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission. (Consumer Affairs: Deb Gregg)

## Grain Dealer

1. GD07-001 In the Matter of LW Sales/LW Seed's Failure to Obtain Necessary Licensure Prior to Operation as a Grain Dealer in the State of South Dakota. (Staff Analyst: Jim Mehlhaff, Staff Attorney: Kara Van Bockern)

In October of 2006 the PUC Warehouse Division received a complaint that LW Sales Inc. had violated SDCL 49-45-1 by purchasing grain for the purpose of reselling it. In an informal interview with the President of LW Sales Inc. the transactions were confirmed, but were presented

as isolated incidents that would not be repeated. A letter advising LW Sales Inc. of the law and warning them that further violations may result in formal action was sent to the President of LW Sales Inc. on November 1, 2006. On February 15, 2007 the PUC Warehouse Division received a second complaint that LW Sales was continuing to purchase grain for the purpose of re-selling it. Further investigation appears to indicate that the complaint has merit and that formal action may be warranted.

*TODAY, shall the Commission Issue an Order to Show Cause?*

### **Electric**

1. **EL07-002 In the Matter of the Application of Basin Electric Power Cooperative, Inc. for an Energy Conversion Facility Permit for the Construction of the Groton Generation Station Unit 2 Project near Groton, South Dakota. (Staff Analysts: Keith Senger/Brian Rounds, Staff Attorney: Kara Van Bockern)**

On January 5, 2007, Basin Electric Power Cooperative (Basin) filed for Commission approval of an application for an energy conversion facility permit. Basin Electric is proposing to construct a second peaking resource generator at the existing Groton Generation Station near Groton, South Dakota. The project is proposed to serve projected member load growth and is known as the Groton Generation Station Unit 2 Project. The proposed project will include a second 80 to 100 megawatt simple cycle natural gas combustion turbine generator. The final date for intervention was March 6, 2007, and no petitions to intervene or applications for party status have been received. A Joint Stipulation between Staff and Basin was filed.

*TODAY, shall the Commission Approve the Stipulation?*

### **Telecommunications**

1. **TC05-099 In the Matter of the Establishment of Switched Access Revenue Requirement for Fort Randall Telephone Company and Mount Rushmore Telephone Company. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On July 1, 2005, Fort Randall Telephone Company and Mount Rushmore Telephone Company, Wagner and Keystone, South Dakota, respectively, filed a switched access cost study pursuant to the administrative rules established by the Commission. On September 1, 2005, Midcontinent Communications (Midco) and MCImetro Access Transmission Services, LLC (MCI) filed Petitions for Intervention. AT&T Communications of the Midwest, Inc. (AT&T) filed a Petition for Intervention on September 15, 2005. On September 19, 2005, an Answer of Fort Randall Telephone Company and Mount Rushmore Telephone Company to Midcontinent's Petition to Intervene and an Answer of Fort Randall Telephone Company and Mount Rushmore Telephone Company to MCImetro Access Transmission Service, LLC's Petition were filed. The Commission received Staff's Response to MCI's, Midcontinent's and AT&T's Petitions to Intervene on September 26, 2005. On September 27, 2005, the Commission received an Answer of Fort

Randall Telephone Company and Mount Rushmore Telephone Company to AT&T's Petition to Intervene. At the regularly scheduled Commission meeting of September 27, 2005, MCI, Midcontinent, and AT&T requested that they be permitted to withdraw their Petitions to Intervene. The Commission voted unanimously to grant the withdrawals. Staff filed its memorandum recommending a switched access rate by element on January 5, 2007.

*TODAY, shall the Commission Approve the Switched Access Revenue Requirement?*

**2. TC07-007 In the Matter of the Petition of Brookings Municipal Utilities d/b/a Swiftel Communications for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed a Petition for Suspension or Modification of Local Dialing Parity, Number Portability and Reciprocal Compensation Obligations. In its Petition, Swiftel states that it requests the Commission grant a suspension or modification of 47 U.S.C. Sections 251(b)(2), (3) and (5) of the Communications Act of 1934, as amended. "Swiftel requests modification of the local number portability requirement such that is not required to implement wireline local number portability until 4 months after a competitive LEC is certificated to provide service in Swiftel's service territory. Swiftel also requests modification of the local number portability requirement such that Swiftel is not required to transport numbers beyond its service territory. Swiftel requests modification of the dialing parity requirement such that Swiftel is not required to provide local dialing and it is not required to transport traffic outside of its service territory. Swiftel also requests modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish access traffic transport facilities other than the common trunks to South Dakota Network (SDN). Swiftel also asks the Commission to modify any requirement that Swiftel would not be able to collect access charges for toll traffic. Swiftel requests a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an IXC in accordance with Swiftel's wireline local calling areas. Swiftel also requests immediate temporary suspension of the 251(b)(2), (3) and (5) requirements as described [in its Petition] pending this Commission's consideration of this request." On February 12, 2007, Alltel Communications, Inc. (Alltel) and Sprint Communications Company, L.P. (Sprint) filed Petitions for Intervention. Midcontinent Communications (Midcontinent) filed a Petition to Intervene on February 14, 2007. South Dakota Network, LLC (SDN) filed a Petition to Intervene on February 15, 2007. On February 16, 2007, MCC Telephony of the Midwest, Inc. d/b/a Mediacom (Mediacom) filed a Petition to Intervene. SDTA filed a Petition to Intervene on February 16, 2007. On March 5, 2007, Swiftel filed its Opposition to the Petition to Intervene filed by Midcontinent.

*TODAY, shall the Commission Grant Intervention to Alltel, Sprint, Midcontinent, SDN, Mediacom and SDTA?*

**3. TC07-008 In the Matter of the Filing by Aventure Communication Technology, L.L.C. for Approval of its Intrastate Switched Access Tariff and for an Exemption from Developing Company Specific Cost-Based Switched Access Rates. (Staff Analyst: Harlan Best, Staff Attorney: Kara Van**

**Bockern)**

On January 31, 2007, Aventure Communication Technology, L.L.C. d/b/a Aventure Communications (Aventure) filed a petition requesting an exemption from developing company-specific cost-based switched access rates pursuant to ARSD 20:10:27:11, a partial waiver of ARSD 20:10:27:12, requiring Aventure to base its switched access rates on the costs of all telecommunications companies with less than 100,000 access lines, in areas where Qwest Corporation (Qwest) is the incumbent local exchange carrier, approval of Aventure's proposed intrastate access tariff containing rates that mirror Qwest's switched access rates in Qwest exchanges and the access rates as developed by the formula in ARSD 20:10:27:12 in non-Qwest exchanges, and approval of Aventure's switched access tariff.

*TODAY, shall the Commission Approve the Exemption from Developing Company-Specific Cost-Based Switched Access Rates Pursuant to ARSD 20:10:27:11? AND, shall the Commission Approve the Partial Exemption of ARSD 20:10:27:12 with Respect to Calculation of the Switched Rate Applicable in Qwest Exchanges Served by Aventure? AND, shall the Commission Approve the Switched Access Service Tariff?*

- 4. TC07-010 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and MCImetro Access Transmission Services, LLC. (Staff Attorney: Kara Van Bockern)**

On February 9, 2007, the Commission received a filing for the approval of a Triennial Review Order and Triennial Remand Order Amendment to the Interconnection Agreement between Qwest Corporation and MCImetro Access Transmission Services, LLC for the State of South Dakota.

*TODAY, shall the Commission Approve the Amendment?*

- 5. TC07-011 In the Matter of the Filing by Northern Valley Communications, LLC for Approval of Revisions to its Intrastate Switched Access Tariff. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)**

On February 16, 2007, Northern Valley Communications, LLC (NVC) submitted revised switched access tariff pages implementing a \$0.0025 per minute reduction to its switched access rate. This revision brings NVC in compliance with the Settlement Stipulation as approved by the Commission in Docket TC05-197.

*TODAY, shall the Commission Approve the Tariff Revisions without Requiring Refund?*

- 6. TC07-012 In the Matter of the Filing by SSTelecom, Inc. for Approval of Revisions to its Intrastate Switched Access Tariff. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)**

On February 16, 2007, SSTelecom, Inc (SSTelecom) submitted revised switched access tariff pages implementing a \$0.0025 per minute reduction to its switched access rate. This revision brings SSTelecom in compliance with the Settlement Stipulation as approved by the Commission

in Docket TC05-223.

*TODAY, shall the Commission Approve the Tariff Revisions without Requiring Refund?*


**7. TC07-013 In the Matter of North Shore Marketing's Failure to Register as a Telemarketer and the Solicitations it made to those Registered on the Do Not Call Registry. (Staff Attorney: Kara Van Bockern)**

On February 21, 2007, Commission Staff filed a Motion for an Order to Show Cause due to North Shore Marketing's failure to register as a telemarketer and the solicitations it made to individuals registered with the South Dakota Do Not Call Registry.

*TODAY, shall the Commission Issue an Order to Show Cause?*

**Announcements**

1. The next regularly scheduled Commission meeting will be held March 27, 2007, at 9:30 a.m. in Room 412, State Capitol Building, Pierre, SD.
2. Commission meetings are scheduled for April 10 and April 24, 2007.
3. A hearing in Docket TC06-190 will be held in Room 464, State Capitol Building, Pierre, SD, on March 20, 2007, beginning at 9:30 a.m..
4. A hearing in Docket TC06-191 will be held in Room 412, State Capitol Building, Pierre, SD, on April 3, 2007, beginning at 8:30 a.m..

  
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March 6, 2007